

CASE SUPPLEMENTAL REPORT

USDC IN/ND case 3:14-cv-00315-RL document 36-28 filed 07/14/15 page 1 of 15

Printed: 03/06/2014 12:41

Elkhart Police Department

OCA: 20021129008

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST*

Occurred: 11/28/2002

Offense: *HOMICIDE*

Investigator: *CONWAY, C. D. (322)*

Date / Time: 09/02/2003 14:48:00, Tuesday

Supervisor: *PRICE, S. R. (308)*

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact: *Porter, Nina Marydean*
Goshen 574-534.

Reference: *Witness Statement*

INTERVIEW OF: NINA PORTER

Elkhart, Indiana

DOB:

SSN:

TIME: 2:28 p.m.

DATE: September 2, 2003

LOCATION: Elkhart Police Department

PERSONS PRESENT: Det. Carl Conway #322
Elkhart Police Department

CASE: 2002-1129-008

322: Nina, just for the tape, we've talked quite extensively before the interview began. How long have you lived on Center Street?

NP: About three weeks.

322: About three weeks. And are you currently employed?

NP: No.

322: And why is that?

NP: I'm on disability.

322: You're on disability and what is your disability?

NP: Bipolar.



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322: Bipolar.

NP: I also have a blind infant.

322: Okay. And you said a blind infant? Okay. Nina, we're talking about an incident that happened at Waterfall High Rise on Thanksgiving of last year. Thanksgiving of last year, where were you at?

NP: Prison. IWP.

322: IWP and what date did you go to prison?

NP: I went J . . July 10 of 2002.

322: And when did you get out?

NP: February 26, 2003.

322: And when you got out of prison, where did you move to?

NP: I moved to 601 Goshen Avenue.

322: And how long did you live there?

NP: About two weeks.

322: And where did you move to after that?

NP: 124 Johnson Street.

322: At 124 Johnson Street, is that an apartment building?

NP: Yes it is.

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322: And which apartment did you live in?

NP: Number four.

322: And while living there, did you meet somebody by the name of Lana Canen?

NP: Yes I did.

322: And where did Lana live?

NP: Downstairs.

322: Downstairs. When did you move into these apartments?

NP: Uh . . second week of March.

322: Second week of March. And when did you move out of these apartments?

NP: Um . . three weeks ago. I don't remember the exact date.

322: And during the time you were living there, did you and Lana become friends?

NP: Yes we did.

322: So would you say you guys became best friends?

NP: Yes we did.

322: Hung around each other a lot?

NP: Every day.

322: What kind of activities did you guys do together?

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NP: We watched TV. We cleaned house. Took care of my daughter.

322: Tell me a little bit about Lana. What did Lana like to do?

NP: She liked to get high. She liked to . . talk.

322: And when you say get high, you mean use drugs, right?

NP: Yes.

322: Any particular drug that she chose?

NP: Everything. She had a lot of pills at her house. She smoked crack probably every day.

322: And we also talked earlier . . you said that she also liked to do methamphetamines and smoke marijuana?

NP: Yes.

322: Okay. And did you ever do any of these drugs with her?

NP: No.

322: No. So you two were pretty good friends. Why didn't you ever do any of these drugs with her?

NP: I'm in recovery. I'm on probation. I was fighting to get my kids back.

322: Good. Is there anyone in particular who she would usually do drugs with?

NP: Her brother, Brett. Uh . . friend named Andy, and her boyfriend, Dan.

322: And do you know any of these fellows' last names?

NP: Brett Canen. I don't know the other two.

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322: Okay. So when you were friends with Lana . . we talked about a conversation you had on a Saturday at the beginning of June. Do you recall that conversation?

NP: Where her and Andy acted like they were gonna take my money?

322: Well, the particular conversation I'm talking about is where Lana was out of marijuana.

NP: Ya. She said that her and Brett use to go into the "old lady's" apartment and get her pills and Lana would have money to have or have pot for all month.

322: Now this apartment that Lana would go into, did she say where this apartment was located?

NP: No she didn't.

322: Okay. Did she ever tell you how she got into the apartment?

NP: No she didn't tell me.

322: She just told you that her and Brett, her brother, would go in there and get pills?

NP: Um-huh.

322: Did she say what kind of pills?

NP: No.

322: And what did she say she would do with the pills?

NP: Trade 'em for pot.

322: And do you know who she traded them to?

NP: I know she'd trade pills to Terry for her pot.

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322: And Terry, who is Terry?

NP: Her brother Nick's friend.

322: Her brother Nick's friend, and what does Terry look like?

NP: Um . . he's tall, very skinny, white . . um . . scruffy.

322: Does he drive any particular vehicles?

NP: He drives a Corvette.

322: What color is it?

NP: I think it's dark blue.

322: Is it a new or older one?

NP: I don't know the difference. I think it's an older one. Ya, it's an old one.

322: So when she made the comment about she wished she could still get in the apartment, did she ever indicate why she couldn't get into the apartment anymore?

NP: No she didn't.

322: Okay. About two weeks later, you overheard another conversation with her friend, Andy?

NP: Yes.

322: Why don't you tell me about this conversation.

NP: He was asking her to give him his keys to the High Rise and she told him she wasn't givin' him shit and then he said something that I couldn't hear and I heard her say, "Who you gonna tell?"

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322: And where were you located during this conversation?

NP: Upstairs in my bedroom.

322: How were you able to hear it?

NP: Because my bedroom . . my bed is right by the window that . . to the patio.

322: So it's my understanding that Andy was asking for some keys to the High Rise back?

NP: Yes.

322: Did you ever ask Lana about this conversation?

NP: No. I didn't want her to think I was eavesdropping.

322: And Lana said she wasn't going to give him the keys?

NP: She said, "I'm not gonna give you shit."

322: After that conversation, we talked about another incident you had involving Andy where Andy and Lana were in your apartment. Why don't you tell me about that.

NP: I was in Lana's apartment and they wanted me to give 'em . . Lana wanted me to give her and Andy some money. I told her I couldn't give her anymore money and she said there's no reason why I shouldn't give her money and she asked Andy was I a good candidate and Andy shook his head no.

322: And tell me, when she asked Andy if you were a good candidate, what do you think Lana meant?

NP: I thought they were gonna take my money.

322: So you thought they were going to rob you?

NP: Yes.

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322: What was Lana's demeanor when she was asking you for money?

NP: Very cold. No emotion. Um . . very angry. Very agitated like . . uh . . she just couldn't . . you know, like her . . her body just . . she couldn't be still and jumpy like . . she just was like a firecracker ready to explode.

322: Did you often tell Lana that she . . I mean, did you loan Lana money often?

NP: Yes I did because if I didn't, she would get mad.

322: And when she'd get mad, how would she act when she got mad?

NP: Uh . . very angry. I just didn't know what she would do because she would change completely to not very nice. She didn't have any emotion anymore. She just didn't act like Lana.

322: And how was Andy acting during this whole time?

NP: He never held his head up. He always put his head down. When she said was I a good candidate, he put his head down farther and turned his back and shook his head no.

322: So did you get the impression they might have robbed somebody like this before?

NP: Yes I did.

322: And what did you do after you told them no and she got mad?

NP: I told her . . um she needed to get a grip and I went upstairs.

322: Okay. We're gonna move now to a conversation that you had with Lana on July 3rd. Do you remember this conversation?

NP: Yes.

322: Where did this conversation take place at?

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NP: On our patio at the apartments.

322: At about what time of the day was this?

NP: Um . . it was in the nighttime . . probably . . 9:00 at night.

322: Now you're pretty specific about the time, I mean the date being July 3rd. Why is that?

NP: Cause I'm re . . in recovery and I drank alcohol that day.

322: So it really stands out in your mind?

NP: Yes.

322: Do you normally not drink?

NP: I don't drink.

322: And when you were talking to Lana, would you say that she was intoxicated?

NP: Yes.

322: Ya? Would you say very intoxicated or . .

NP: No, not very intoxicated. Probably half way to . . to the wind. She could still walk and talk but not very clearly.

322: So during this conversation, what did Lana say?

NP: She held her head down and I said what was the matter with her and she said nobody was suppose to get hurt.

322: And when she said no one was suppose to get hurt, what did you think when she said that?

NP: I told her I didn't understand what she was talking about and she said that the lady that she'd been gettin' money

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from told her she could have money and when she went up the stairs to get it that night, she told her . . somebody told her to stop giving her money and she told her to give it to her. She said nope, she couldn't do that anymore. She went to get Andy to scare her.

322: So she says she went to go get money from a lady?

NP: Um-huh.

322: She didn't tell . . did she say who this lady was?

NP: No. She just said that she use to always get money from her. She would tell her to give her money.

322: Did she ever describe this lady in any kind of term, by name, or by description?

NP: No.

322: She never referred to her age?

NP: She just said "old lady."

322: And you said that she went and asked the "old lady" for money and she was told not to give her anymore money. Are you saying the "old lady" was told not to give Lana any more money?

NP: Somebody told the "old lady" to stop giving Lana money.

322: And then Lana said she went to go get Andy to scare the "old lady?"

NP: Yes. Yes. That he wasn't suppose to hurt her.

322: Now you say Lana went to go get Andy to scare the "old lady." Why would Andy scare anybody?

NP: Cause Andy's huge and very quiet. He's very psychotic.

322: And why do you say he's very psychotic?

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NP: Because he scares us when he stand . . when he use to stand at the bottom of our stairs. He wouldn't be in anybody's apartment . . inside the stairway and you could walk past him and you . . you didn't know if he was going to grab you or why he was just hiding out there.

322: And you said he's huge. How tall would you say he is?

NP: He's over six foot.

322: Say well over six foot?

NP: Ya, I'd say well over six foot.

322: Pretty big fella?

NP: Yes he is.

322: So you got the impression that Lana went to go get Andy to scare this "old lady" into giving her more money?

NP: Yes.

322: So what happened after that?

NP: She said that Andy wasn't suppose to hurt her and that he . . that uh . . she just said Andy wasn't suppose to hurt her.

322: And when you say Andy wasn't suppose to hurt her, you mean he wasn't suppose to hurt the "old lady?"

NP: Right.

322: Tell me did Lana . . how was she acting when she was telling you this?

NP: Very evil.

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322: Very evil?

NP: Because of . . she said the la . . she should have give her her money. She told her she'd give it to her. She should have gave it to her.

322: So in your impression she was actually blaming the "old lady?"

NP: Right.

322: For not giving the money?

NP: Right.

322: Did Lana give any indication about the date that this was?

NP: When she got up to go get another drink, she said, "Thanksgiving. Thanks for giving death."

322: And what did that make you believe?

NP: That they killed her on Thanksgiving. That what he didn't mean to hurt her. That she died and they gave her death on Thanksgiving.

322: As far as time frame goes, how long did you actually talk to Lana about this subject?

NP: Um . . she would say something and then she wouldn't say anything. She would drink. Probably 45 minutes. She'd just say a bit here and a piece here. She never really said a whole sentence except that she went to get Andy to scare her.

322: So you never actually had a conversation per se about this, right?

NP: Right.

322: She was just making comments?

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NP: Right.

322: Over a duration of time?

NP: Right.

322: How did this make you feel?

NP: I was kind of puzzled. It stuck in my head when I went upstairs but when I laid down, instead of going to sleep, I just kind of thought . . they really . . they really killed somebody. They really gave somebody death and it was because they didn't give her the money when she said she wanted it.

322: And have you ever talked to Lana about this conversation since?

NP: No I haven't.

322: How long was it after that that you moved out of the apartments?

NP: Um . . a month later.

322: A month later?

NP: We . . we knew about our hou . . I asked for a house the following weekend.

322: And do you still see Lana?

NP: Yes I do. I wasn't . . up until the beginning of this week . . this past week.

322: And why did you start seeing Lana again?

NP: Cause she called me . . she cried . . that she needed to talk and . . um she cried that Brett stole her money and she needed some food so I told her I couldn't go buy her food. My boyfriend said that I'm not her mom but she could come eat with us and when I let her come eat with us that day, she came every day.

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322: So she kept coming back?

NP: Right. My boyfriend told her that she needed to leave. That she's not my . . his type of company.

322: And when your boyfriend says his type of company, what type is that?

NP: She's scandalous and he calls her trouble and that she takes advantage of me because she cries for money and I give it to her.

322: Since this week that Lana's been back, have you had any incidents, I guess that you would call bad, with her?

NP: (chuckles) I got pulled over last night from pickin' her up and takin' her to a house and when I left, I was pulled over and informed that I sat in front of a crack house. She went to jail for warrants and I got a ticket for driving while suspended and sh . . she tried to take money out of my purse this week.

322: And how exactly was that? Why don't you tell me about that situation.

NP: She asked me f . . she came over on her bicycle in the nighttime and my boyfriend was workin' on redoing . . he's customizing a Blazer and uh . . she asked me for some money. I told her . . I said Lana, I . . I'm arguing with Robby over giving you money. I cannot keep giving you money. If you want to stay here and eat, you can. She says well I need cigarettes and toilet paper. I said I can't give you anymore money and she said well how much money do you have and I told her I don't know how much money I have but I can't give you anymore money and I went outside because she was being mean and I told Robby that she was acting really upset. That something must be going on and he said she's just trash. You need to get rid of her. She's takin' advantage of you. I went back in the house just to see if I could take her home and when I walked in . . I didn't come in the front that I went out, I went in the back door and when I walked in, she was over in my seat on my side of the couch opening my purse. It was already z . . unzipped and she was leaned over with her hand in it.

322: How did that make you feel?

NP: Pretty stupid because he keeps tellin' me not to let her back over there and that she doesn't care about our friendship. That she's there to get what she can.

322: Tell me, do you ever know Lana to steal from other people?

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NP: Yes.

322: And what would you know Lana to steal?

NP: Anything she can get her hands on.

322: Is there anything else about Lana or about this situation that you want to add?

NP: If somebody asks her about it, she's gonna tell.

322: Now you say ask her about it, you mean the homicide?

NP: Yes.

322: Nina, now you know Lana very well. In your opinion, do you think Lana could possibly be involved in killing somebody?

NP: Over . . when she wants money? Definitely.

322: Definitely. Okay. This will be the end of the interview. The time is 2:46 p.m.

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